

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAGISTRATE ACTION NO. C-09-240
	§	
DAVID WAYNE MCINTIRE	§	

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**


A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the testimony of the defendant and defendant's employer. The defendant, since being released from custody of TDCJ, appears to have sincerely made efforts to stay clean and sober and to change his lifestyle. Unfortunately, the defendant has been in a local half way house here in this area for only two months, and he has been employed only for three weeks. His criminal history reflects several failures to appear, and several convictions related to his drug use and abuse. He has no place to live or work in the Waco area. He is a poor bond risk.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 20th day of March, 2009.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE